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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEAH SUMMER GARCIA,

Defendant.

CR 18-65-BLG-SPW

OFFER OF PROOF

The defendant, Leah Summer Garcia, is charged by indictment with possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1).

PLEA AGREEMENT

The United States presented all formal plea offers to Garcia in writing. The plea agreement entered into by the parties and filed with the court represents, in the government's view, the final and the most favorable offer extended to Garcia. *See Missouri v. Frye*, 566 U.S. 134, 145-46 (2012).

ELEMENTS OF CHARGE

In order for Garcia to be found guilty of possession with intent to distribute methamphetamine, as charged in indictment, the United States must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed methamphetamine; and

Second, the defendant possessed it with the intent to distribute it to another person.

Although not a formal element, the United States would also have to prove beyond a reasonable doubt that the defendant possessed five or more grams of actual methamphetamine with the intent to distribute that methamphetamine.

PENALTY

The offense carries a mandatory minimum sentence of five years and a maximum sentence of life imprisonment, a \$5,000,000 fine, at least four years of supervised release, and a \$100 special assessment.

ANTICIPATED EVIDENCE

If this case were tried in United States District Court, the United States would prove the following:

On April 19, 2018, Garcia, who was on state probation at the time, was arrested on two outstanding arrest warrants. She was arrested while at the jail visiting an inmate. She drove to the jail in an SUV and was the only occupant of the SUV. A search of the SUV resulted in the seizure of approximately one ounce of methamphetamine.

Garcia has been linked to the individuals in an ongoing drug investigation in Billings through drug related text messages. Those text messages prove she possessed the methamphetamine with the intent to distribute it.

DATED this 14th day of September, 2018.

KURT G. ALME
United States Attorney

/s/ Lori Harper Suek
LORI HARPER SUEK
Assistant U.S. Attorney